

### **REMARKS/ARGUMENTS**

In the Office Action dated February 24, 2005, claims 1-24, 27-36 and 47 were rejected, claims 25 and 26 were objected to as being dependant upon a rejected base claim and claims 37-46 were allowed. Applicants have thoroughly reviewed the outstanding Office Action, including the Examiner's remarks and the references cited therein. The above cancellation of claims 1-24, 27-36 and 47, along with the amendment of claims 25 and 26 the following remarks, are believe to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

Claims 1-24, 27-36 and 47 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 25 and 26 have been amended to be in independent form incorporating their original base claim and intervening claims. The subject matter incorporated into claims 25 and 26 could previous have been found throughout the specification of the as-filed application, particularly in claims 17-20 thereof. Claim 39 has been amended exclusively for the purpose of removing a typographical error. No new matter has been added. Claims 25, 26 and 37-46 remain pending in the present application. Claims 25, 26 and 37 are independent claims.

#### **Rejection of Claims 1-24, 27-33, 36 and 47 Under 35 U.S.C. §102(e):**

Claims 1-24, 27-33, 36 and 47 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,587,765 B1 to Graham et al. Although the Applicants do not concede the propriety of the rejection, claims 1-24, 27-33, 36 and 47 have been cancelled to forward the prosecution of the present Application. Applicants reserve the right to pursue the subject matter recited in claims 1-24, 27-33, 36 and/or 47 in other applications.

The above cancellation of claims 1-24, 27-33, 36 and 47 directly addresses the Examiner's comments and renders the rejection of these claims under 35 U.S.C. §102(e) moot. As such, withdrawal of the rejection of claims 1-24, 27-33, 36 and 47 under 35 U.S.C. §102(e) is respectfully requested.

Rejection of Claims 27, 31-33 and 36 Under 35 U.S.C. §102(b):

Claims 27, 31-33 and 36 have been rejected under 35 U.S.C. §102(b) as being anticipated by a Declaration Pursuant to 37 C.F.R. §1.56, and Exhibit A thereof, included in the Information Disclosure Statement filed in connection with the present application on December 10, 2003. Although the Applicants do not concede the propriety of the rejection, claims 27, 31-33 and 36 have been cancelled to forward the prosecution of the present Application. Applicants reserve the right to pursue the subject matter of these claims in other applications.

The above cancellation of the claims 27, 31-33 and 36 directly addresses the Examiner's comments and renders the rejection of these claims under 35 U.S.C. §102(b) moot. As such, withdrawal of the rejection of claims 27, 31-33 and 36 under 35 U.S.C. §102(b) is respectfully requested.

Rejection of Claims 34 and 35 Under 35 U.S.C. §103(a):

Claims 34 and 35 have been rejected under 35 U.S.C. §103(a) as being anticipated by the above-discussed Declaration Pursuant to 37 C.F.R. §1.56 and Exhibit A thereof. Although the Applicants do not concede the propriety of the rejection, claims 34 and 35 have been cancelled to

forward the prosecution of the present Application. Applicants reserve the right to pursue the subject matter of these claims in other applications.

The above cancellation of the claims 34 and 35 directly addresses the Examiner's comments and renders the rejection of these claims under U.S.C. §103(a) moot. As such, withdrawal of the rejection of claims 34 and 35 under 35 U.S.C. §103(a) is respectfully requested.

Allowable Subject Matter:

Claims 37-46 were allowed. Applicants thank the Examiner for the time spent reviewing these claims and for acknowledging that these claims recite patentable subject matter.

Objection to Claims 25 and 26 as Being Dependant Upon a Rejected Base Claim:

Claims 25 and 26 were objected to as being dependant upon a rejected base claim. However, it was acknowledged in the Office Action that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The above amendment of claims 25 and 26, wherein the subject matter previously recited in claims 17 and 19 is incorporated into claim 25 and wherein the subject matter previously recited in claims 17-18 and 20 is incorporated into claim 26 directly addresses the Examiner's comments and renders the objection to claims 25 and 26 moot.

At least in view of the above amendment of claims 25 and 26 and remarks, reconsideration and withdrawal of the objection to claims 25 and 26 as being dependant upon a rejected base claims is respectfully requested.

### CONCLUSION

In view of the above claim amendments and the foregoing remarks, Applicants respectfully request that all of the objections and rejections to the claims be removed. If, for any reason, the Examiner disagrees, he is requested to call the undersigned Applicants' representative at 202-861-1716 in an effort to resolve any matter still outstanding before issuing another Office Action. The undersigned Applicants' representative is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 59764.21520.

Respectfully submitted,

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